

UTILITY PATENT APPLICATION TRANSMITTAL

(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
16422/005001

Total Pages in this Submission

TO THE COMMISSIONER FOR PATENTS

Mail Stop Patent Application
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

APPARATUS FOR CULTURE, PROCESS FOR PREPARING APPARATUS FOR CULTURE, AND CULTURING METHOD

and invented by:

Masaharu KOJIMA, Tetsuji SASAKI, and Takachika AZUMA

22386 U.S. PTO
10/693542

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 73 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☐ Cross References to Related Applications (if applicable)
 - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
 - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings (if filed)
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

22511

Patent Trademark Office

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Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal Number of Sheets 18
- b. ☐ Informal Number of Sheets _____
4. ☒ Oath or Declaration
- a. ☒ Newly executed *(original or copy)* ☐ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☐ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Computer Readable Form (CFR)
- *b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement/PTO-1449 ☒ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☒ Certified Copy of Priority Document(s) (if foreign priority is claimed) This application claims priority from Japanese Application No. 2002-311983, filed October 28 2002 (copy enclosed).
16. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail (Specify Label No.): EL 974017175 US

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Accompanying Application Parts (Continued)

17. ☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: _____

18. ☒ Additional Enclosures *(please identify below)*:

Petition Under 37 CFR 1.84 (a)(2), 2 pages
3 Sets of Color Photographs, 12 pages
1 Set of Black & White Photographs, 3 pages

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

19. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

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Fee Calculation and Transmittal


CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	20	- 20 =	0	x \$9.00	\$0.00
Indep. Claims	7	- 3 =	4	x \$43.00	\$172.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$385.00
OTHER FEE (specify purpose) Assignment Fee and Petition Fee					\$170.00
TOTAL FILING FEE					\$727.00

- ☒ A check in the amount of **\$727.00** to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **50-0591** as described below.
- ☐ Charge the amount of _____ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated:

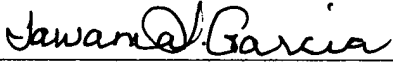
10/26/05


Signature

Jonathan P. Osha, Reg. No. 33,986
ROSENTHAL & OSHA L.L.P.
1221 McKinney Street, Suite 2800
Houston, Texas 77010

Telephone: 713-228-8600
Facsimile: 713-228-8778

cc:

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Applicant(s): Masaharu KOJIMA et al.			Docket No. 16422/005001
Serial No.	Filing Date	Examiner	Group Art Unit
Invention: APPARATUS FOR CULTURE, PROCESS FOR PREPARING APPARATUS FOR CULTURE, AND CULTURING METHOD			
<p>I hereby certify that this <u>Utility Application w/Declaration</u></p> <p style="text-align: center;"><i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <p style="text-align: center;"><u>October 24, 2003</u></p> <p style="text-align: center;"><i>(Date)</i></p> <div style="text-align: center;"> <u>Tawana L. Garcia</u> <i>(Typed or Printed Name of Person Mailing Correspondence)</i> </div> <div style="text-align: center;">  <i>(Signature of Person Mailing Correspondence)</i> </div> <div style="text-align: center;"> <u>EL 974017175 US</u> <i>("Express Mail" Mailing Label Number)</i> </div>			
<p>Note: Each paper must have its own certificate of mailing.</p>			

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Masaharu KOJIMA et al.

Art Unit :

Serial No.:

Examiner :

Filed :

Title : APPARATUS FOR CULTURE, PROCESS FOR PREPARING APPARATUS
FOR CULTURE, AND CULTURING METHOD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

22511
Patent Trademark Office

PETITION UNDER 37 CFR § 1.84(a)(2)

Applicants respectfully request Commissioner's permission to include the attached color photographs as Figures 15-18 of the patent application filed herewith.

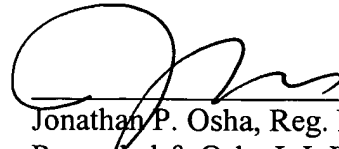
The color photographs are photomicrographs of cells grown with prior art methods (FIGs. 15 and 16) or with methods of the invention (FIGs. 17 and 18). Applicants believe that the color photographs can better contrast the health states of the cells grown with the prior art methods and the methods of the present invention, as described in paragraph [0252] on page 67 of the specification.

A fee as set forth in 37 C.F.R. § 1.17(h), three (3) sets of the color photographs, and one set of the black-and-white photographs that accurately depicts, to the extent possible, the subject matter shown in the color photographs are enclosed. In addition, a preliminary amendment, pursuant to 37 C.F.R. § 1.84(a)(2), has been made to the specification to indicate the inclusion of these color photographs.

Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 16422.005001).


Respectfully submitted,

Date: 10/6/03



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Facsimile: (713) 228-8778

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CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Applicant(s): Masaharu KOJIMA et al.			Docket No. 16422/005001
Serial No.	Filing Date	Examiner	Group Art Unit
Invention: APPARATUS FOR CULTURE, PROCESS FOR PREPARING APPARATUS FOR CULTURE, AND CULTURING METHOD			
<p>I hereby certify that this <u>Assignment</u> _____ <i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on <u>October 24, 2003</u> <i>(Date)</i></p> <div style="text-align: right; margin-top: 20px;"> <u>Tawana L. Garcia</u> <i>(Typed or Printed Name of Person Mailing Correspondence)</i>  <i>(Signature of Person Mailing Correspondence)</i> </div> <div style="text-align: right; margin-top: 10px;"> <u>EL 974017175 US</u> <i>("Express Mail" Mailing Label Number)</i> </div>			
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Invention: APPARATUS FOR CULTURE, PROCESS FOR PREPARING APPARATUS FOR CULTURE, AND CULTURING METHOD			
<p>I hereby certify that this <u>Petition Under 37 CFR 1.84(a)(2)</u> <i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on <u>October 24, 2003</u> <i>(Date)</i></p> <p><u>Tawana L. Garcia</u> <i>(Typed or Printed Name of Person Mailing Correspondence)</i></p> <p><u>Tawana L. Garcia</u> <i>(Signature of Person Mailing Correspondence)</i></p> <p><u>EL 974017175 US</u> <i>("Express Mail" Mailing Label Number)</i></p>			
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Serial No.	Filing Date	Examiner	Group Art Unit
Invention: APPARATUS FOR CULTURE, PROCESS FOR PREPARING APPARATUS FOR CULTURE, AND CULTURING METHOD			
<p>I hereby certify that this <u>Preliminary Amendment Under 37 CFR 1.84(a)(2)</u> (Identify type of correspondence)</p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on <u>October 24, 2003</u> (Date)</p> <p><u>Tawana L. Garcia</u> (Typed or Printed Name of Person Mailing Correspondence)</p> <p><u>Tawana L. Garcia</u> (Signature of Person Mailing Correspondence)</p> <p><u>EL 974017175 US</u> ("Express Mail" Mailing Label Number)</p>			
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